

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) CRIMINAL ACTION NO.
v.)
) 2:07cr66-MHT
)
BOBBY STOKES, JR.)

OPINION AND ORDER

In 2014, Amendment 782 to the United States Sentencing Guidelines revised the guidelines applicable to the drug-trafficking offense for which this court sentenced defendant Bobby Stokes, Jr. The Sentencing Commission simultaneously promulgated Amendment 788, making Amendment 782 retroactive. This court established a Retroactivity Screening Panel to determine whether a defendant might be eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).

Stokes's case was submitted for review, but the Panel was unable to reach a unanimous recommendation due to a disagreement over the applicable law--namely, whether the Eleventh Circuit's holding in United States v. Glover, 686 F.3d 1203 (11th Cir. 2012), that a

below-mandatory-minimum sentence cannot be reduced based on a retroactive amendment to the Guidelines, was abrogated by the Commission's subsequent promulgation of Amendment 780, which states that a reduction should be made without regard to the mandatory minimum when the court originally departed below it based on a substantial-assistance motion.

Both the government and Stokes agree that his eligibility for a sentence reduction is governed by Amendment 780 (and that he is thus eligible); the court concurs. See United States v. Morris, No. 3:07CR261-MHT, -- F. Supp. 3d --, 2015 WL 7756138 (M.D. Ala. Dec. 2, 2015). Furthermore, the court agrees with the parties both that a sentence reduction is warranted in Stokes's case and as to the extent of that reduction. See Joint Sentencing Position for Defendant Bobby Stokes, Jr. (doc. no. 101).

* * *

After conducting an independent and de novo review of the record, it is ORDERED, pursuant to 18 U.S.C. § 3582(c)(2), that the sentence of imprisonment of 168 months previously imposed on defendant Bobby Stokes, Jr., as reflected in the last judgment issued, is reduced to 140 months.

DONE, this the 9th day of December, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE